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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee

Rapporteur: Mr. Carlos Enrique **García González** (El Salvador)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session under the item entitled "Human rights questions", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and allocate it to the Third Committee.

2. The Committee held a discussion on the sub-item jointly with sub-items 105 (b) and (e) at its 24th, 25th and 28th to 34th meetings, on 26, 28 and 29 October and on 1 and 2 November 2004, and considered proposals and took action on sub-item 105 (c) at its 41st, 42nd, 44th to 47th, 51st and 54th meetings, on 10, 11, 16 to 18, 23 and 24 November 2004. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/59/SR.24, 25, 28-34, 41, 42, 44-47, 51 and 54).

3. For the documents before the Committee under this sub-item, see A/59/503.

4. At the 24th meeting, on 26 October 2004, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a question-and-answer session with the delegations of Switzerland, the Netherlands, Norway, Canada, Guinea, Cuba, Peru, New Zealand, Indonesia, India, China, Algeria, the Libyan Arab Jamahiriya, Argentina and Burkina Faso (see A/C.3/59/SR.24).

5. At the 25th meeting, on 26 October, the Director of the New York office of the United Nations High Commission for Human Rights made an introductory statement (see A/C.3/59/SR.25).

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6. At the 28th meeting, on 28 October, the Independent Expert of the Commission on Human Rights on the situation of human rights in Afghanistan made an introductory statement and engaged in a question-and-answer session with the delegations of Afghanistan, Canada, the Netherlands (on behalf of the European Union), China and Costa Rica (see A/C.3/59/SR.28).

7. Also at the 28th meeting, the Special Rapporteur of the Commission on Human Rights on the situatio of human rights in the Palestinian territories occupied since 1967 made an introductory statement and engaged in a question-and-answer session with the delegations of Israel, Switzerland, Palestine, the Netherlands (on behalf of the European Union), Egypt, the Libyan Arab Jamahiriya, the Syrian Arab Republic, the United States of America, Lebanon and Jordan (see A/C.3/59/SR.28).

8. At the 29th meeting, on 28 October, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar made an introductory statement and engaged in a question-and-answer session with the delegations of Myanmar, the United States of America, the Netherlands (on behalf of the European Union), Australia, New Zealand, Switzerland, Japan, Canada, Cambodia and the Republic of Korea (see A/C.3/59/SR.29).

9. Also at the 29th meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic People's Republic of Korea made an introductory statement and engaged in a question-and-answer session with the delegations of Japan, the Netherlands (on behalf of the European Union), Switzerland, the Democratic People's Republic of Korea and China (see A/C.3/59/SR.29).

10. At the 29th and 30th meetings, on 28 and 29 October, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo made an introductory statement and engaged in a question-and-answer session with the delegations of the Democratic Republic of the Congo, Switzerland, the Netherlands (on behalf of the European Union) and Canada (see A/C.3/59/SR.29 and 30).

11. At the 30th meeting, on 29 October, the Independent Expert of the Commission on Human Rights on the situation of human rights in the Sudan made an introductory statement and engaged in a question-and-answer session with the representatives of the Sudan, the Netherlands (on behalf of the European Union), the United States of America, Canada and Switzerland (see A/C.3/59/SR.30).

II. Consideration of proposals

A. Draft resolution A/C.3/59/L.46

12. At the 41st meeting, on 10 November, the representative of the Netherlands, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of

America, introduced a draft resolution (A/C.3/59/L.46) entitled "Situation of human rights in Zimbabwe", which read as follows:

"*The General Assembly*,

"*Reaffirming* that all States have the obligation to promote and protect human rights and fundamental freedoms, in accordance with the Charter of the United Nations, the Universal Declaration on Human Rights and the regional and international human rights instruments to which they are party,

"*Recognizing* the past traditions of Zimbabwe of democratic debate and civil society activism, and reaffirming that the promotion and protection of civil, political, economic, social and cultural rights in Zimbabwe and the holding of free and fair elections is essential for the stability and security of the country and the region,

"*Recognizing also* the severe challenges facing Zimbabwe, including the HIV/AIDS pandemic and the ongoing economic and humanitarian crisis,

"*Recognizing further* the inequitable distribution of land ownership which existed in Zimbabwe at independence and the ongoing need for land reform, implemented in an orderly manner and with due regard to human rights and the rule of law, to achieve a more equitable distribution of resources among the people of Zimbabwe,

"*Welcoming* the efforts made by African countries to fulfil their commitments in the implementation of the New Partnership for Africa's Development to deepen democracy, human rights, good governance and sound economic management,

"*Welcoming also* the decision of the Southern African Development Community to promote the goals and values of the New Partnership and to work with the organization to harmonize their efforts in furthering these goals,

"*Welcoming further* the adoption by the Southern African Development Community of principles and guidelines on elections and the acceptance of them by Zimbabwe,

"1. *Expresses its concern* that the conditions do not exist in Zimbabwe for holding free and fair elections in accordance with the electoral guidelines of the Southern African Development Community, the commitments of the African Union and obligations under international human rights instruments;

"2. *Also expresses its concern* about restrictions in Zimbabwe on the freedom of members of parliament and parliamentary candidates and independent civil society and human rights defenders to operate without fear of harassment or intimidation, including proposed legislation, inconsistent with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which would further constrain non-governmental organizations;

"3. *Urges* the Government of Zimbabwe to take all appropriate measures, including changes to laws, to establish the conditions for, and to hold, free and fair elections, in accordance with the electoral guidelines of the

Southern African Development Community, the commitments of the African Union and obligations under international human rights instruments;

"4. *Encourages* the Government of Zimbabwe to invite independent international observers in good time for its parliamentary elections in 2005, including observers from organizations in which it is a member, notably the Southern African Development Community, the African Union and the United Nations;

"5. *Underlines its deep concern* at the serious violations of human rights by the Government of Zimbabwe, including the occurrence of torture, ill-treatment, unlawful detention and extrajudicial executions, as well as the serious restrictions on freedom of expression and opinion, including freedom of the press, and on the independence of the judiciary;

"6. *Urges* the Government of Zimbabwe to take all necessary measures to ensure that human rights are promoted and protected and that the rule of law is respected in Zimbabwe;

"7. *Also urges* the Government of Zimbabwe to implement its obligations under the International Covenants on Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the African Charter of Human and Peoples' Rights and other human rights treaties to which it is party, to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible, and to cooperate fully with all relevant special mechanisms of the Commission on Human Rights;

"8. *Calls upon* the Government of Zimbabwe to seek the assistance of the United Nations High Commissioner for Human Rights and to consider inviting relevant thematic rapporteurs to assess the situation in the country;

"9. *Urges* the Government of Zimbabwe to respond to the report of the African Commission on Human and Peoples' Rights;

"10. *Also urges* the Government of Zimbabwe not to obstruct international efforts to assess food security and other humanitarian challenges and to ensure that food aid and humanitarian aid can be delivered in a safe and unhindered manner, on the basis of need alone and without the imposition of any political condition."

13. At the same meeting, statements were made by the representatives of Zimbabwe and Cuba (see A/C.3/59/SR.41).

14. At the 54th meeting, on 24 November, the representative of South Africa made a statement on behalf of the Group of African States, in the course of which he proposed that no action be taken on the draft resolution and moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution (see A/C.3/59/SR.54).

15. Statements in favour of the motion were made by the representatives of Cuba and Malaysia; statements against the motion were made by the representatives of Australia and the Netherlands (on behalf of the European Union) (see A/C.3/59/SR.54).

16. The motion was put to the vote and was carried by a recorded vote of 92 to 72, with 9 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Brazil, Colombia, Grenada, Honduras, Jamaica, Mongolia, Papua New Guinea, Saint Vincent and the Grenadines, Trinidad and Tobago.

B. Draft resolution A/C.3/59/L.48

17. At the 41st meeting, on 10 November, the representative of the Netherlands, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/59/L.48) entitled "Situation of human rights in the Sudan". Subsequently the

Republic of Moldova withdrew as a sponsor of the draft resolution, which read as follows:

"*The General Assembly*,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various instruments in this field, as well as to respect and ensure respect for international humanitarian law,

"*Expressing its firm belief* that a peaceful settlement of the conflicts in the Sudan, which is a responsibility of all parties to the peace talks, will greatly contribute to respect for human rights in the Sudan,

"*Expressing grave concern* at the statements of the United Nations High Commissioner for Human Rights and the Special Adviser to the Secretary-General on the Prevention of Genocide to the Security Council on 30 September 2004 that crimes against humanity, war crimes and breaches of the laws of war had probably occurred on a large and systematic scale in the Darfur region,

"*Taking note* of the report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions on her mission to the Sudan, carried out from 1 to 13 June 2004,

"*Taking note also* of Security Council resolutions 1547 (2004), 1556 (2004) and 1564 (2004), the recommendations of the Special Representative of the Secretary-General for the Sudan and the reports of the Secretary-General to the Security Council on the Sudan,

"1. *Welcomes*:

"(a) The leadership role and the engagement of the African Union, as illustrated by the efforts of the President of the African Union, the Chairperson of the African Union Commission and the Special Envoy of the African Union for Darfur, in addressing the situation in Darfur;

"(b) The recommencement of the Intergovernmental Authority on Development peace talks in Kenya on 7 October 2004, the leadership role of the Intergovernmental Authority and the efforts of the Government of Kenya in mediating the talks between the Government of the Sudan and the Sudan People's Liberation Movement; and the recommitment of the parties to the prompt completion of the peace process;

"(c) The continued efforts of the African Union to facilitate the peace talks concerning Darfur between the Government of the Sudan and the Sudan Liberation Movement and the Justice and Equality Movement, as well as the recommencement of the peace talks on 21 October 2004;

"(d) The visit to the Sudan in August 2004 of the independent expert of the Commission on Human Rights on the situation of human rights in the Sudan, who was appointed in July 2004 in accordance with Commission on Human Rights decision 2004/128 of 23 April 2004;

"(e) The establishment and immediate dispatch of an international commission of inquiry by the Secretary-General, upon the request of the

Security Council, in order to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

"(f) The expansion of the Office of the United Nations High Commissioner for Human Rights in the Sudan to include a monitoring role aimed at improving respect for human rights and humanitarian law and assisting in national capacity-building in the area of the promotion and protection of human rights, including an initial increase in the number of human rights monitors in Darfur from eight to at least sixteen within one month;

"(g) The work of United Nations agencies and other international organizations operating in the Sudan and Chad and their efforts to meet the protection and assistance needs of the crisis-affected populations;

"(h) The visits to the Sudan of the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Special Adviser to the Secretary-General on the Prevention of Genocide and the Special Rapporteur of the Commission on Human Rights on violence against women in September 2004, as well as the visit of the Representative of the Secretary-General for Internally Displaced Persons;

"(i) The fact-finding mission to Darfur of the African Commission on Human and People's Rights in July 2004;

"(j) The accession of the Government of the Sudan to the Convention on the Prevention and Punishment of the Crime of Genocide, and reminds the Government of the Sudan of its obligations to prevent and punish any crime of genocide;

"2. *Expresses grave concern* at:

"(a) The widespread and grave violations of human rights and international humanitarian law in Darfur and ongoing atrocities committed against civilians in Darfur, including forced displacement and arbitrary executions;

"(b) The continuous violations of human rights throughout the Sudan, within and outside the framework of the conflicts, in particular the occurrence of arbitrary arrests and detentions, forced or involuntary disappearances and torture and other cruel, inhuman or degrading forms of treatment or punishment;

"(c) Violations of the rights of women and girls, inter alia, through sexual violence, including rape and its use as a weapon of war, as well as through female genital mutilation and discrimination both in law and in practice;

"(d) The ongoing recruitment and use of child soldiers by all parties to the conflict contrary to international law;

"(e) The use of the death penalty contrary to the obligations assumed by the Government of the Sudan under the relevant provisions of the International

Covenant on Civil and Political Rights and other human rights instruments, including the imposition of death sentences without legal representation and summary executions;

"(f) The restrictions on freedom of thought, conscience, religion and belief, the restrictions on freedom of association, assembly, opinion and expression, the lack of political pluralism and restrictions on political freedom;

"3. *Calls upon* the Government of the Sudan:

"(a) To take all measures necessary to actively promote and protect human rights and international humanitarian law and to respect the rule of law throughout the Sudan, to implement its obligations under the International Covenants on Human Rights and other human rights treaties to which it is a party and to implement its obligations under the Geneva Conventions of 12 August 1949 for the protection of victims of war and other relevant instruments of international humanitarian law;

"(b) To immediately take all steps necessary to stop all violence and atrocities, including sexual violence against women and girls, to ensure the protection of civilians in Darfur and to cease all support, including the provision of supplies, to the Janjaweed militias;

"(c) To end the climate of impunity in Darfur by identifying and bringing to justice all those responsible, including members of popular defence forces and Janjaweed militias, for the widespread abuses of human rights and violations of international humanitarian law;

"(d) To create a secure environment that would facilitate the return of displaced persons, and to ensure that all returns by internally displaced persons and refugees are voluntary and carried out in conditions of safety and dignity;

"(e) To fulfil immediately all of the commitments it made in the joint communiqué issued by the Government of the Sudan and the United Nations on 3 July 2004;

"(f) To implement the recommendations listed in the report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions on her mission to the Sudan;

"(g) To fulfil its commitments to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

"(h) To hold those responsible for violations of human rights and international humanitarian law, as well as crimes against humanity, accountable through appropriate national and international judicial mechanisms;

"(i) To promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

"(j) To allow human rights and civil society organizations to register and operate freely throughout the country;

"(k) To implement judicial reform so as to apply constitutional guarantees for fair trials throughout the country;

"4. *Calls upon* the parties to the conflict in Darfur:

"(a) To provide all necessary support to and cooperate fully with the mission of the African Union in Darfur;

"(b) To provide all necessary support to and cooperate fully with the mission of the Special Representative of the Secretary-General for the Sudan;

"(c) To provide all necessary support to and cooperate fully with the independent expert of the Commission on Human Rights on the situation of human rights in the Sudan and the Office of the United Nations High Commissioner for Human Rights in the Sudan in their monitoring role aimed at improving respect for human rights and humanitarian law and assisting in national capacity-building in the area of the promotion and protection of human rights;

"(d) To provide all necessary support to and cooperate fully with the International Commission of Inquiry for Darfur established by the Secretary-General pursuant to Security Council resolution 1564 (2004) in order to facilitate its investigations concerning violations of international humanitarian law and human rights law in Darfur, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

"(e) To provide the necessary support to and cooperate fully with all international agencies and humanitarian organizations in order to ensure immediate, full, safe and unhindered access in Darfur and elsewhere in the Sudan aimed at delivering humanitarian assistance to and promoting the protection of all civilians in need;

"(f) To cease all violence, cooperate with international humanitarian relief and monitoring efforts and ensure compliance with international humanitarian law, and to facilitate the safety and security of humanitarian workers;

"5. *Urges*:

"(a) The Government of the Sudan, the Sudan Liberation Movement and the Justice and Equality Movement to respect and fully implement in Darfur the ceasefire agreement signed at N'Djamena on 8 April 2004 and to reach a political settlement to the dispute in Darfur;

"(b) The Government of the Sudan and the Sudan People's Liberation Movement to conclude expeditiously the Intergovernmental Authority on Development peace process;

"(c) All parties in the Sudan to put an immediate end to the recruitment and use of child soldiers and children in armed conflict contrary to international law, bearing in mind that, under the Convention on the Rights of

the Child and its Optional Protocol on the involvement of children in armed conflict, children under 18 years of age are entitled to special protection;

"6. *Calls upon* the international community to expand its support for activities aimed at improving respect for human rights and humanitarian law, especially the mission of the African Union, to continue its support for the peace process in the Sudan and to continue to monitor closely the human rights situation in the Sudan."

18. Also at the 41st meeting, the representative of the Sudan made a statement (see A/C.3/59/SR.41).

19. At the 51st meeting, on 23 November, statements were made by the representatives of South Africa and the Netherlands (on behalf of the European Union) (see A/C.3/59/SR.51).

20. The representative of South Africa then moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the discussion on the draft resolution until the following day.

21. Statements in favour of the motion were made by the representatives of China and Algeria; statements against the motion were made by the representatives of Canada and the Netherlands (see A/C.3/59/SR.51).

22. The motion was put to the vote and was carried by a recorded vote of 92 to 67, with 12 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino,

Serbia and Montenegro, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Brazil, Colombia, Dominican Republic, Ecuador, Grenada, Iraq, Jamaica, Kyrgyzstan, Liberia, Papua New Guinea, Solomon Islands, Tuvalu.

23. At the 54th meeting, on 24 November, the representative of South Africa made a statement on behalf of the Group of African States, in the course of which he proposed that no action be taken on the draft resolution and moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution (see A/C.3/59/SR.54).

24. Statements in favour of the motion were made by the representatives of Senegal and Malaysia; statements against the motion were made by the representatives of the United States of America and the Netherlands (on behalf of the European Union) (see A/C.3/59/SR.54).

25. The motion was put to the vote and was carried by a recorded vote of 91 to 74, with 11 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-

Leste, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Belize, Brazil, Colombia, Grenada, Honduras, Jamaica, Lesotho, Liberia, Namibia, Saint Vincent and the Grenadines, Trinidad and Tobago.

C. Draft resolution A/C.3/59/L.49

26. At the 41st meeting, on 10 November, the representative of the Netherlands, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Monaco, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/59/L.49) entitled "Situation of human rights in Myanmar". Subsequently, the Republic of Korea and Switzerland joined in sponsoring the draft resolution and the Republic of Moldova withdrew as a sponsor.

27. At the 44th meeting, on 16 November, the Committee had before it a statement of the programme budget implications of draft resolution A/C.3/59/L.49, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/59/L.76).

28. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.49 without a vote (see para. 60, draft resolution I).

29. Before the adoption of the draft resolution, statements were made by the representatives of the Netherlands (on behalf of the European Union), Myanmar, Cambodia, Algeria, Cuba, Turkmenistan, Viet Nam, Pakistan, Indonesia, Belarus, the Bolivarian Republic of Venezuela and the Sudan; after its adoption, statements were made by the representatives of the United States of America, the Islamic Republic of Iran, China, the Lao People's Democratic Republic, Nepal, the Syrian Arab Republic, India, Cuba, Zimbabwe and the Sudan (see A/C.3/59/SR.44).

D. Draft resolution A/C.3/59/L.50

30. At the 41st meeting, on 10 November, the representative of Canada, on behalf of Andorra, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tuvalu, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/59/L.50) entitled "Situation of human rights in the Islamic Republic of Iran". Subsequently, Albania, Bulgaria and Palau joined in sponsoring the draft resolution.

31. At the 45th meeting, on 17 November, statements were made by the representatives of Canada and Pakistan (on behalf of the States Members of the

United Nations that are members of the Organization of the Islamic Conference) (see A/C.3/59/SR.45).

32. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.50 by a roll-call vote of 69 to 55, with 51 abstentions (see para. 60, draft resolution II). The voting was as follows:

In favour:

Albania, Andorra, Australia, Austria, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Palau, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Somalia, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Ukraine, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Argentina, Bahamas, Barbados, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Congo, Côte d'Ivoire, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Georgia, Ghana, Guatemala, Guyana, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Mauritius, Mozambique, Namibia, Nepal, Panama, Philippines, Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Singapore, Suriname, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

33. Before the vote, statements were made by the representatives of Malaysia, Cuba, Brazil, the Bolivarian Republic of Venezuela, China, Turkmenistan, the Sudan, Algeria, Belarus and the Islamic Republic of Iran; after the vote, the representative of Chile made a statement. Statements were also made by the representatives of the Syrian Arab Republic and the Czech Republic (see A/C.3/59/SR.45).

E. Draft resolution A/C.3/59/L.53

34. At the 41st meeting, on 10 November, the representative of the Netherlands, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/59/L.53) entitled "Situation of human rights in Turkmenistan". Subsequently, Andorra joined in sponsoring the draft resolution.

35. At the 46th meeting, on 18 November, the representative of the Netherlands made a statement on behalf of the European Union and orally revised the draft resolution as follows:

(a) In operative paragraph 1 (c) the words "of President Saparmurat Niyazov" were replaced by the words "of the Government of Turkmenistan";

(b) Operative paragraph 1 (e), which had read:

> "The submission of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination to the Committee on the Elimination of Racial Discrimination, and encourages the Government of Turkmenistan also to submit the reports due under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women";

was replaced by the following text:

> "The submission of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination to the Office of the United Nations High Commissioner for Human Rights, the recent submission of the report under the Convention on the Elimination of All Forms of Discrimination against Women to the Division for the Advancement of Women of the Department of Economic and Social Affairs and the announcement by the Government of Turkmenistan that it intends to submit the reports due under the Convention on the Rights of the Child by the end of 2004;"

(c) Two new subparagraphs were inserted following operative paragraph 1 (e), reading:

> "(f) The amendment of 2 November 2004 to the Criminal Code of Turkmenistan rescinding article 223/1, which stipulated criminal penalties for unregistered activities of public associations, including non-governmental organizations;
>
> "(g) The invitation by the Government of Turkmenistan to the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, which was extended on 16 November 2004, to visit the country by the end of 2004;"

(d) In operative paragraph 2 (e), the words "Russian, Uzbek and other" before the word "minorities" were deleted.

(e) Operative paragraph 2 (f), which had read:

"Continued constraints faced by civil society organizations, including the application of the restrictive provisions contained in the 2003 Law on Public Associations and slow progress in the registration of non-governmental organizations under the procedures set out in this Law;"

was revised to read as follows:

"Constraints faced by civil society organizations, including the slow progress in the registration of non-governmental organizations;"

(f) In operative paragraph 4 (c), the words "and to extend an invitation to the High Commissioner on National Minorities of the Organization to visit the country" were replaced by the words "and to make the necessary arrangements to fully facilitate a visit by the High Commissioner on National Minorities of the Organization by the end of 2004";

(g) In operative paragraph 4 (e), the words "President Saparmurat Niyazov" were replaced by the words "the Government of Turkmenistan".

(h) In operative paragraph 4 (g), the word "remaining" was inserted before the words "restrictions on the activities of" and the words "building upon the amendment of 2 November 2004 to the Criminal Code of Turkmenistan abolishing criminal penalties for unregistered activities of public associations" were added at the end of the paragraph.

36. At the same meeting, the representative of Pakistan made a statement on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference (see A/C.3/59/SR.46).

37. Also at the 46th meeting, the Committee adopted draft resolution A/C.3/59/L.53, as orally revised, by a recorded vote of 65 in favour to 49 against, with 56 abstentions (see para. 60, draft resolution III). The voting was as follows:[1]

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, Gambia, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya,

[1] The delegation of Bolivia subsequently indicated that, had they been present during the vote, they would have voted in favour of the draft resolution.

Madagascar, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nepal, Papua New Guinea, Philippines, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Tuvalu, Uganda, United Republic of Tanzania, Uruguay, Zambia.

38. Before the vote, statements were made by the representatives of Turkmenistan, the Islamic Republic of Iran, China, Myanmar, Uzbekistan, the Democratic People's Republic of Korea, Cuba, the Sudan, the Syrian Arab Republic, Algeria, the Bolivarian Republic of Venezuela and Belarus; after the vote, statements were made by the representatives of Singapore and Brazil (see A/C.3/59/SR.46).

F. Draft resolution A/C.3/59/L.54

39. At the 41st meeting, on 10 November, the representative of the Netherlands, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/59/L.54) entitled "Situation of human rights in the Democratic Republic of the Congo". Subsequently, Albania and Liechtenstein joined in sponsoring the draft resolution and the Republic of Moldova withdrew as a sponsor.

40. At the 54th meeting, on 24 November, the representative of the Netherlands made a statement on behalf of the European Union and orally revised the draft resolution as follows:

(a) In operative paragraph 1 (b), the words ", and expresses its support for the work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and for the United Nations Organization Mission in the Democratic Republic of the Congo;" were added at the end of the paragraph;

(b) In operative paragraph 1 (d), the words "the forthcoming adoption of the nationality law" after the words "Electoral Commission" were deleted;

(c) A new subparagraph was inserted after subparagraph 1 (d), reading:

"The adoption of the Declaration of Principles by the Heads of State who participated in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, which took place in Dar es Salaam on 19 and 20 November 2004;"

(d) Operative paragraph 2, which had read:

"*Supports* the work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and of the United Nations Organization Mission in the Democratic Republic of the Congo;"

was deleted;

(e) Operative paragraph 5 (b), which had read:

The lack of fair trial and due process guarantees for many detainees and defendants in the Democratic Republic of the Congo;

was deleted;

(f) In operative paragraph 6 (b), the word "upcoming" before the words "International Conference on Peace" was deleted;

(g) Operative paragraphs 7 (d) and (f) were merged to read as follows:

"To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process and to carry out urgently a comprehensive reform of the judicial system;"

(h) Operative paragraph 7 (e), which had read:

To reinstate the moratorium on capital punishment, especially for juvenile offenders, and adhere to its commitment to progressively abolish the death penalty;

was replaced by the following text:

"To put an end to the use of the death penalty in a manner contrary to its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights and other human rights instruments, while recalling its commitment to progressively abolish the death penalty and not to impose it on juvenile offenders";

(i) Operative paragraph 7 (g), which had read:

To cooperate with the International Criminal Court and to continue to cooperate with the International Tribunal for Rwanda;

was revised to read:

To continue to cooperate with the International Criminal Court and the International Criminal Tribunal for Rwanda;

(j) A new operative paragraph was inserted before the final operative paragraph, to read as follows:

"*Encourages* the international community to continue to support the transition in the Democratic Republic of the Congo and its institutions and, in particular, to provide assistance in the reform of national judicial institutions;"

41. At the same meeting, the representative of the United States of America proposed an amendment to operative paragraph 7 (g) of the draft resolution, as revised, whereby the paragraph would be replaced by the following text:

"To hold those responsible for human rights and international humanitarian law violations, as well as crimes against humanity, accountable through appropriate national and international judicial mechanisms;"

42. The representative of the Netherlands (on behalf of the European Union) stated that the proposed amendment was not accepted by the sponsors.

43. Also at the 54th meeting, the Committee rejected the amendment by a recorded vote of 116 to 2, with 38 abstentions. The voting was as follows:

In favour:

Palau, United States of America.

Against:

Albania, Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yemen, Zambia, Zimbabwe.

Abstaining:

Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Burundi, China, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Haiti, India, Indonesia, Iraq, Liberia, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Mozambique, Nepal, Nicaragua, Oman, Pakistan, Qatar, Rwanda, Singapore, Sri Lanka, Suriname, Thailand, Togo, Tunisia, Tuvalu, Uganda, United Republic of Tanzania.

44. Before the vote on the amendment, the representative of the Democratic Republic of the Congo made a statement; after the vote the representative of Barbados made a statement (see A/C.3/59/SR.54).

45. Also at the 54th meeting, the Committee voted on the third preambular paragraph of the draft resolution, which was retained by a recorded vote of 101 to 2, with 61 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Rwanda, Uganda.

Abstaining:

Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cambodia, China, Colombia, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Morocco, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Turkmenistan, Tuvalu, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

46. Before the vote on the third preambular paragraph, statements were made by the representatives of Uganda and the Democratic Republic of the Congo and the Netherlands (see A/C.3/59/SR.54).

47. At the 54th meeting, the Committee voted on the fourth preambular paragraph of the draft resolution, which was retained by a recorded vote of 100 to 2, with 61 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji,

Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Rwanda, Uganda.

Abstaining:

Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cambodia, China, Colombia, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Tuvalu, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

48. At the same meeting, the Committee voted on operative paragraph 6 as a whole, as revised. The paragraph, as revised, was retained by a recorded vote of 93 to 2, with 67 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Rwanda, Uganda.

Abstaining:

Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, China, Colombia, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Tuvalu, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

49. Before the vote on operative paragraph 6, the representative of Rwanda made a statement (see A/C.3/59/SR.54).

50. Also at the 54th meeting, the Committee adopted draft resolution A/C.3/59/L.54 as a whole, as orally revised, by a recorded vote of 72 to 2, with 94 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia,[2] Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria,

[2] The delegation of Bolivia subsequently indicated that it had intended to vote in favour of the draft resolution, instead of abstaining.

Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

51. Before the vote on the draft resolution, statements were made by the representatives of Rwanda, the Democratic Republic of the Congo and Brazil; after the vote, the representative of the United States of America made a statement (see A/C.3/59/SR.54).

G. Draft resolution A/C.3/59/L.55

52. At the 44th meeting, on 16 November, the representative of the United States of America, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Marshall Islands, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced and orally corrected a draft resolution (A/C.3/59/L.55) entitled "Situation of human rights in Belarus", which read as follows:

"*The General Assembly*,

"*Guided* by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

"*Recalling* Commission on Human Rights resolutions 2003/14 of 17 April 2003 and 2004/14 of 15 April 2004,

"*Concerned* about the preliminary findings and conclusions of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, according to which the 17 October 2004 parliamentary elections fell significantly short of Belarus' Organization for Security and Cooperation in Europe commitments to hold a free and fair election, and that the simultaneous referendum was conducted in a highly distorted campaign environment,

"1. *Expresses deep concern*:

"(a) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe, as well as dialogue between the Government and the Organization for Security and Cooperation in Europe following previous elections, Belarus failed to meet its international obligations and commitments to hold free and fair elections, including by

arbitrarily applying election laws, including on registration as candidates, obstructing the right of access to the media, disseminating biased presentations of the issues by state media and falsifying vote counts, and that the electoral process and the legislative framework in Belarus remain fundamentally flawed;

"(b) About continued reports of cases of harassment, arbitrary arrest and detention, and allegations of abuse while in detention, of domestic and international journalists, opposition politicians and peaceful demonstrators in connection with the October elections and post-election demonstrations;

"(c) About the continued and expanding criminal prosecutions of leading opposition figures and human rights defenders;

"(d) That senior officials of the Government of Belarus have been implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted by the Parliamentary Assembly of the Council of Europe in resolution 1371, of 28 April 2004;

"(e) About the Belarusian authorities' decision to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University to close down;

"(f) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, opposition political parties and independent trade unions, and the harassment of individuals engaged in democratic activities;

"2. *Urges* the Government of Belarus:

"(a) To adhere to its international obligations and commitments to hold free and fair elections and to rectify problems with the electoral process, including, inter alia, the arbitrary application of electoral laws, including those on registration as candidates, the obstruction of the right of access to the media, the biased presentation of the issues by state media and the falsification of vote counts;

"(b) To cease politically motivated prosecution and harassment of political opponents and pro-democracy activists and human rights defenders, educational institutions and civil society actors;

"(c) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases, and to bring the alleged perpetrators to justice before an independent tribunal, and if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

"(d) To investigate and hold accountable those responsible for the mistreatment of domestic and foreign journalists in connection with the October 2004 elections and post-election demonstrations, including those

associated with Russian First Channel (ORT), RenTV, NTV and the Associated Press;

"(e) To carry out all the other steps called for by the Commission of Human Rights in its resolution 2004/14;

"3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Commission on Human Rights, and in particular with the special rapporteur appointed in resolution 2004/14."

53. At the same meeting, statements were made by the representatives of Belarus and Cuba (see A/C.3/59/SR.44).

54. At the 47th meeting, on 18 November, the representative of the Russian Federation proposed that no action be taken on the draft resolution and moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution (see A/C.3/59/SR.47).

55. Statements in favour of the motion were made by the representatives of China and Malaysia; statements against the motion were made by the representatives of the Netherlands (on behalf of the European Union) and the United States of America (see A/C.3/59/SR.47).

56. The motion was put to the vote and was carried by a recorded vote of 75 to 65, with 28 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Gambia, Georgia, Guyana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mauritius, Myanmar, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Bolivia, Brazil, Cape Verde, Colombia, Côte d'Ivoire, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Honduras, Jamaica, Kuwait, Lesotho, Madagascar, Mali, Mexico, Morocco, Mozambique, Namibia, Nepal, Peru, Saint Vincent and the Grenadines, Sierra Leone, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay.

H. Draft resolution A/C.3/59/L.60

57. At the 41st meeting, on 10 November, the representative of Belarus introduced a draft resolution (A/C.3/59/L.60) entitled "Situation of democracy and human rights in the United States of America", which read as follows:

"*The General Assembly*,

"*Guided* by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the international obligations they have freely undertaken,

"*Mindful* that the United States of America is a party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination,

"*Recalling* that each State party to the International Covenant on Civil and Political Rights undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"*Reaffirming* that improving security and the fight against terrorism should be conducted with full respect for human rights and democratic principles,

"*Bearing in mind* the European Parliament resolution on Guantanamo of 28 October 2004,

"*Noting* that the United States of America is a member of the Organization of American States and is obliged to observe the human rights standards under the Charter of that Organization, and aware that on 23 December 2003, the Inter-American Commission on Human Rights of the Organization of American States decided that the denial of equal participation by the residents of Washington, D.C., in their own national legislature by duly elected representatives constituted violations of provisions of the American Declaration of the Rights and Duties of Man, adopted by the Organization of American States in 1948,

"*Taking note* of the report of the needs assessment mission on the presidential elections in the United States of America of the Organization for Security and Cooperation in Europe,

"1. *Expresses deep concern and dismay*:

"(a) At reports from credible sources on systematic violations of fundamental rights and freedoms in the United States, including alarming attacks on press freedom and tight control over news media; arbitrary, incommunicado and secret detentions and arrests; and continued and expanding intolerance, xenophobia and discrimination;

"(b) That the electoral system in the United States does not comply with the obligations of the United States under the International Covenant on Civil and Political Rights to provide every citizen with the right and opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

"(c) That despite the report by the United States Commission on Civil Rights on the 2000 presidential election, which concluded that in Florida election policies and practices were in place that prevented some of Florida's residents, particularly African Americans, Spanish and Creole-speaking nationals with language assistance needs and persons with disabilities, from voting and from having their votes counted, such practices have continued during the current presidential election;

"(d) That some election techniques, including verification requirements, disproportionately disenfranchise the poor, the elderly, minorities and immigrants;

"(e) That despite promising to improve the electoral system after the 2000 presidential election, the United States has failed to reform the system, which remains fundamentally flawed and could disenfranchise some eligible voters and allow manipulation of the results of elections;

"(f) That despite the fact that, like other States members of the Organization for Security and Cooperation in Europe, the United States has freely taken on a politically binding commitment to ensure that the election is free and fair, in some respect it is not meeting its commitment by prohibiting independent international and domestic observers of the Organization from monitoring the presidential election in 2004;

"(g) That the United States continues to violate international standards in its use of the death penalty for people who were under 18 years of age at the time the crimes were committed and for the mentally ill;

"(h) That the United States legislative measures to enhance security, including the adoption and implementation of the Patriot Act, have led to the limitation and abuse of vital civil rights and freedoms of nationals of the United States;

"(i) About information on the deprivation of the rights of an undisclosed number of persons, including minors, detained as a result of military operations launched in Afghanistan and being held at present in

detention camps located in the United States naval base in Guantanamo, as well as about the forced disappearances of some detainees;

"(j) At the continued reports of ill-treatment, torture, death in custody and excessive use of force by police and prison officers, including the use of isolation, dogs, sensory and sleep deprivation, death threats and other forms of torture or cruel inhuman or degrading treatment as interrogation techniques;

"2. *Urges* the Government of the United States of America:

"(a) To put an end to the violations of human rights mentioned above;

"(b) To become a party to all core international human rights instruments, thus allowing the international community to monitor the situation of human rights in the United States in full;

"(c) To fully cooperate with special procedures of the Commission on Human Rights to ensure that all necessary measures are taken to investigate fully and impartially all cases of arbitrary detention, forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of the United States;

"(d) To bring the electoral process and legislative framework into line with international standards;

"(e) To take the necessary steps, in accordance with its constitutional process and with the provisions of the International Covenant on Civil and Political Rights, as well as with respect to the recommendations made by the Inter-American Commission on Human Rights, to grant the residents of Washington, D.C., an effective remedy, which includes adopting the legislative or other measures necessary to guarantee to them the effective right to participate, directly or through freely chosen representatives and in general conditions of equality, in their national legislature;

"(f) To abolish the death penalty for people who were under the age of 18 at the time the crimes were committed and for the mentally ill;

"(g) To end immediately the practice of incommunicado and secret detentions and ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups;

"(h) To implement a zero-tolerance policy on torture by investigating all allegations of torture and holding perpetrators of torture accountable so as to promote a culture in which torture is regarded as unacceptable, criminal behaviour;

"(i) To invite all relevant human rights monitoring mechanisms, especially the Special Rapporteurs of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions, and the Working Groups of the Commission on Enforced or Involuntary Disappearances and on Arbitrary Detention to visit all places of detention and to grant them unlimited access to all detention centres;

"(j) To take urgent measures to bring legislation on national security into compliance with United States obligations under relevant international instruments;

"(k) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

"3. *Insists* that the Government of the United States of America cooperate fully with and extend invitations to all the mechanisms of the Commission of Human Rights, including the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances, and the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions;

"4. *Decides* to consider this question at its sixtieth session, under the same agenda item."

58. At the 42nd meeting, on 11 November, the representative of Belarus made a statement, in the course of which he withdrew draft resolution A/C.3/59/L.60 (see A/C.3/59/SR.42).

59. At the same meeting, statements were made by the representatives of the Russian Federation, Malaysia, Cuba, China and Indonesia (see A/C.3/59/SR.42).

III. Recommendations of the Third Committee

60. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in the field,

Reaffirming its previous resolutions on the human rights situation in Myanmar, the most recent of which is resolution 58/247 of 23 December 2003, those of the Commission on Human Rights, the most recent of which is resolution 2004/61 of 21 April 2004,[1] and the conclusions of the special sitting of the Committee on the Application of Standards of the International Labour Conference of 5 June 2004,

Bearing in mind Security Council resolutions 1460 (2003) of 30 January 2003 and 1539 (2004) of 22 April 2004,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth,

1. *Welcomes*:

(a) The report of the Secretary-General on the situation of human rights in Myanmar[2] and the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;[3]

(b) The personal engagement of the Secretary-General with the situation in Myanmar and his statement made on 17 August 2004, in which he calls upon the Government of Myanmar to release Daw Aung San Suu Kyi immediately and to engage in substantive dialogue with the National League for Democracy and other political parties;

(c) The establishment by the Government of a "Committee for the prevention of military recruitment of underage children" and its discussions with the United Nations Children's Fund towards concluding a plan of action, and stresses the need for the Government to work closely with the Fund;

(d) The resumption of peace talks between the Government of Myanmar and the Karen National Union;

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] A/59/269.

[3] See A/59/311.

(e) The access to the eastern part of Myanmar of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees;

2. *Expresses its grave concern* at:

(a) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, in particular as outlined in previous resolutions concerning the situation of human rights in Myanmar, the most recent of which are General Assembly resolution 58/247 and Commission on Human Rights resolution 2004/61;

(b) The events of 30 May 2003 and the continuing detention and house arrest of Daw Aung San Suu Kyi and members of the National League for Democracy;

(c) The fact that the Myanmar authorities have yet to implement recommendations contained in the aforementioned resolutions adopted by the General Assembly and the Commission on Human Rights;

(d) The fact that the Myanmar authorities have not permitted the Special Envoy of the Secretary-General for Myanmar to visit for over six months, or the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar to visit for almost twelve months, despite repeated requests;

(e) The continuing restrictions placed on the National League for Democracy and other political parties which prevented them from participating in the National Convention;

3. *Calls upon* the Government of Myanmar:

(a) To end the systematic violations of human rights in Myanmar, including extrajudicial killings, the use of torture, the use of rape and other forms of sexual violence persistently carried out by members of the armed forces, discrimination and violations suffered in particular by persons belonging to ethnic minorities, women and children and violations of the right to an adequate standard of living, to ensure full respect for all human rights and fundamental freedoms, to end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(b) To ensure that the next session of the National Convention is fully inclusive of all political parties and representatives and all major ethnic nationalities not represented by a political party and that participants are guaranteed freedom of association and freedom of expression, including freedom of the media and unlimited access to information for the people of Myanmar, and guarantees the safety of all participants;

(c) To restore democracy and respect the results of the 1990 elections by, inter alia, releasing immediately and unconditionally the leadership of the National League for Democracy, including Daw Aung San Suu Kyi, and members of the National League for Democracy detained on or after 30 May 2003, as well as other prisoners of conscience, and to cease the ongoing harassment of the National League for Democracy and other political parties and allow the reopening of the offices of the National League for Democracy throughout the country;

(d) To release immediately and unconditionally all detained or imprisoned political prisoners;

(e) To initiate a full and independent inquiry, with international cooperation, into the Depayin incident of 30 May 2003, as called for by the General Assembly at its fifty-eighth session;

(f) To cooperate fully with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar in order to help bring Myanmar towards a transition to civilian rule and to ensure that they are both granted without further delay full, free and unimpeded access to Myanmar and that no person cooperating with the Special Envoy, the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment, and to review as a matter of urgency the case of those undergoing punishment in this regard;

(g) To consider as a matter of high priority becoming a party to all relevant human rights instruments;

(h) To take immediate action to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour by all organs of Government, including the armed forces, to cooperate with the International Labour Organization, and to implement fully the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the Convention concerning Forced or Compulsory Labour, 1930 (No. 29) of the International Labour Organization;

(i) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with recommendations of the Committee on the Rights of the Child;[4]

(j) To end the policy of systematic enforced displacement of persons and other policies leading to displacement within Myanmar and refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

(k) To immediately ensure safe and unhindered access to all parts of Myanmar of the United Nations and international humanitarian organizations so as to ensure the provision of humanitarian assistance and to guarantee that it reaches the most vulnerable groups of the population, including internally displaced persons and returnees;

(l) To pursue through dialogue and peaceful means an immediate end to conflict with all remaining ethnic groups with which ceasefire agreements have not yet been signed;

(m) To formulate a clear and detailed plan for the transition to democracy, which includes concrete timing and the involvement of all political groups and ethnic nationalities in a way that ensures the process is transparent and inclusive;

[4] See CRC/C/15/Add.237.

4. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar;

(b) To give all necessary assistance to enable his Special Envoy for Myanmar as well as to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar to discharge their mandate fully and effectively;

(c) To report to the General Assembly at its sixtieth session and to the Commission on Human Rights at its sixty-first session on the progress made in the implementation of the present resolution;

5. *Decides* to continue the consideration of this question at its sixtieth session.

Draft resolution II
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 58/195 of 22 December 2003, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the commitment made by the Government of the Islamic Republic of Iran to strengthen respect for human rights in the country and to promote the rule of law,

1. *Welcomes*:

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002;

(b) The visit of the Working Group on Arbitrary Detention of the Commission on Human Rights to the Islamic Republic of Iran in February 2003 and its subsequent report;[6]

(c) The visit of the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to the Islamic Republic of Iran in November 2003 and his subsequent report;[7]

(d) The visit of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants to the Islamic Republic of Iran in February 2004;

(e) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges in December 2002 that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 44/25, annex.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[6] E/CN.4/2004/3/Add.2 and Corr.1.
[7] E/CN.4/2004/62/Add.2.

(f) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the Parliament, which was approved by the Guardian Council in May 2004;

(g) The efforts of the elected Government to foster the growth of civil society;

(h) The human rights dialogues between the Islamic Republic of Iran and a number of countries;

(i) The cooperation with United Nations agencies in developing programmes in the field of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(a) The continuing violations of human rights in the Islamic Republic of Iran;

(b) The worsening situation with regard to freedom of opinion and expression and freedom of the media, especially the increased persecution for the peaceful expression of political views, including arbitrary arrest and detention without charge or trial; crackdowns by the judiciary and security forces against journalists, parliamentarians, students, clerics and academics; the unjustified closure of newspapers and blocking of Internet sites; the targeted disqualification of large numbers of prospective candidates in the Majlis elections as well as the intimidation and harassment of opposition activists in the run-up to the elections held in February 2004;

(c) The continuing executions in the absence of respect for internationally recognized safeguards, and in particular deplores the execution of persons below eighteen years of age, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights,[2] as well as public executions;

(d) The use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation and flogging, noting in this context the rejection by the Guardian Council in August 2003 of the proposal of the elected parliament to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(e) The continued restrictions on free assembly and forcible dissolution of political parties;

(f) The failure to comply fully with international standards in the administration of justice, the absence of due process of law, the refusal to provide fair and public hearings and right to counsel, the use of national security laws to deny the rights of the individual and the lack of respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities, officially recognized or otherwise;

(g) The systemic discrimination against women and girls in law and in practice, despite some minor legislative improvements, and the refusal of the Guardian Council to take steps to address this systematic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament

[8] Resolution 39/46, annex.

to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[9]

(h) The continuing discrimination against persons belonging to minorities, including Christians, Jews and Sunnis, and the increased discrimination against the Baha'is, including cases of arbitrary arrest and detention, the denial of free worship or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions and other benefits;

(i) The continuing persecution, including through the systematic and arbitrary use of prolonged solitary confinement, and arbitrary sentencing to prison of human rights defenders, political opponents, religious dissenters and reformists;

(j) The postponement of the visit of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to the Islamic Republic of Iran;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To abide by its obligations freely undertaken under the International Covenants on Human Rights[2] and other international human rights instruments, including provisions relating to freedom of opinion and expression, the use of torture and other forms of cruel, inhuman and degrading treatment or punishment, the promotion and protection of the human rights of women and girls and the rights of the child, and to continue its efforts to consolidate respect for human rights and the rule of law;

(b) To implement the recommendations of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief;

(c) To cooperate with United Nations mechanisms, including by setting a date for a visit by the Working Group on Enforced or Involuntary Disappearances and to respond fully to their recommendations;

(d) To implement fully the ban on torture, announced in April 2004 by the head of the judiciary, and the related parliamentary legislation of May 2004;

(e) To expedite judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary, and in this context to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups, officially recognized or otherwise;

(f) To appoint an impartial prosecutor and to expedite the creation of offices of the Prosecutor in all provinces, in keeping with the decision taken in November 2002 for their re-establishment;

(g) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities, including the Baha'is, Christians, Jews and

[9] Resolution 34/180, annex.

Sunnis, and to address this matter in an open manner, with the full participation of the minorities themselves, and to ensure respect for the freedom of religion or belief of all persons;

(h) To end amputation and flogging and all other forms of punishment that are cruel, inhuman or degrading;

(i) To abolish the punishment of execution by stoning and, in the meantime, to end the practice of stoning as recommended by the head of the judiciary;

(j) To comply with its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights not to impose the sentence of death for offences committed by persons below eighteen years of age;

(k) To vigorously pursue penitentiary reform;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief and the Special Representative of the Secretary-General on the situation of human rights defenders to visit the Islamic Republic of Iran, and encourages the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to respond fully to their subsequent recommendations;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixtieth session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

Draft resolution III
Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolution 58/194 of 22 December 2003,

1. *Welcomes*:

(a) The limited increase in the ability of members of certain religious minority groups, including the Bahá'i faith, the Baptist church, the Hare Krishna movement and the Seventh-day Adventist church, to practise their religion;

(b) The release in June 2004 of a number of Jehovah's Witnesses who had made conscientious objections to undertaking military service, but noting with concern that other Jehovah's Witnesses continue to be jailed on the same charge;

(c) The comments of the Government of Turkmenistan in May 2004 that interested representatives of the international community were welcome to visit Turkmen prisons, and noting with satisfaction that the Government has begun preliminary discussions with representatives of the International Committee of the Red Cross regarding prison access;

(d) That the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for Participating States in Central Asia, has been given the opportunity for further dialogue with the Government of Turkmenistan and expresses the hope that a constructive dialogue on human rights issues is to be continued soon;

(e) The submission of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination[1] to the Office of the United Nations High Commissioner for Human Rights and the recent submission of the report under the Convention on the Elimination of All Forms of Discrimination against Women[2] to the Division for the Advancement of Women of the Department of Economic and Social Affairs and the announcement by the Government of Turkmenistan that it intends to submit the reports due under the Convention on the Rights of the Child[3] by the end of 2004;

(f) The amendment of 2 November 2004 to the Criminal Code of Turkmenistan rescinding article 223/1, which stipulated criminal penalties for unregistered activities of public associations, including non-governmental organizations;

(g) The invitation by the Government of Turkmenistan to the High Commissioner on National Minorities of the Organization for Security and

[1] Resolution 2106 A (XX), annex.
[2] Resolution 34/180, annex.
[3] Resolution 44/25, annex.

Cooperation in Europe, which was extended on 16 November 2004, to visit the country by the end of 2004;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedoms of expression, assembly and association, and by harassment of their families;

(c) Further restrictions on the freedom of expression and opinion, including the loss of local retransmissions of Russian language programmes on Radio Mayak, and serious harassment endured by local correspondents and collaborators of Radio Liberty;

(d) Continued restrictions on the exercise of the freedoms of thought, conscience, religion and belief;

(e) Continued discrimination by the Government of Turkmenistan against ethnic minorities in the fields of education, employment and forced displacement, despite assurances by the Government that it will stop this discrimination;

(f) Constraints faced by civil society organizations, including the slow progress in the registration of non-governmental organizations;

3. *Regrets* the decision of the Government of Turkmenistan not to renew the accreditation for the Head of the Centre of the Organization for Security and Cooperation in Europe at Ashgabat, but hopes that the Turkmen authorities will cooperate fully with her successor;

4. *Calls upon* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms and, in this regard, implement fully the measures set out in Commission on Human Rights resolutions 2003/11[4] and 2004/12;[5]

(b) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(c) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, in particular following the visit of the Personal Envoy of the Chairman-in-Office of the Organization for participating States in Central Asia, to work towards implementation of those recommendations and to make the necessary arrangements to fully facilitate a visit by the High Commissioner on National Minorities of the Organization by the end of 2004;

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[4] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

(d) To release immediately and unconditionally all prisoners of conscience;

(e) To give real substance to the May 2004 offer of the Government of Turkmenistan for interested representatives of the international community to visit Turkmen prisons by providing appropriate independent bodies, including the International Committee of the Red Cross, with full access to all places of detention in accordance with the usual modalities for those organizations and ensuring that lawyers and relatives have full and repeated access to all those in detention, including those convicted of involvement in the attempted coup d'état of 25 November 2002;

(f) To ensure that the forthcoming parliamentary elections will be held consistent with the commitments of the Organization for Security and Cooperation in Europe and other international standards for democratic elections;

(g) To remove the remaining restrictions on the activities of public associations, including non-governmental organizations, and to enable those organizations, in particular human rights organizations, and other civil society actors to carry out their activities without hindrance, building upon the amendment of 2 November 2004 to the Criminal Code of Turkmenistan abolishing criminal penalties for unregistered activities of public associations;

5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session.

Draft resolution IV
Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various instruments in this field,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Recalling all its previous resolutions, as well as those of the Commission of Human Rights, on the situation of human rights in the Democratic Republic of the Congo,

Noting the special report of the Secretary-General on the events in Ituri between January 2002 and December 2003[1] that was drafted by the Human Rights and Child Protection Sections of the United Nations Organization Mission in the Democratic Republic of the Congo,

Recalling Security Council resolutions 1493 (2003) of 28 July 2003, 1522 (2004) of 15 January 2004, 1533 (2004) of 12 March 2004 and 1565 (2004) of 1 October 2004,

1. *Welcomes*:

(a) The nomination of the independent expert on the situation of human rights in the Democratic Republic of the Congo in July 2004, as well as his visit to the Democratic Republic of the Congo in August 2004;

(b) In particular the extended mandate of the United Nations Mission in the Democratic Republic of the Congo regarding the promotion and the protection of human rights in accordance with Security Council resolution 1565 (2004), and expresses its support for the work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and for the United Nations Organization Mission in the Democratic Republic of the Congo;

(c) The work accomplished by the human rights field office in the Democratic Republic of the Congo and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the United Nations Organization Mission in the Democratic Republic of the Congo in the fulfilment of its mandate;

(d) The measures taken by the transitional institutions in order to implement the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo signed in Pretoria on 17 December 2002 and to restore the authority of the State, such as the appointment of provincial governors, the establishment of the Independent Electoral Commission, the appointment of the

[1] S/2004/573.

High Command of the Integrated National Police and the setting up of the Supreme Defence Council;

(e) The adoption of the Declaration of Principles by the Heads of State who participated in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, which took place in Dar es Salaam, United Republic of Tanzania, on 19 and 20 November 2004;

2. *Calls upon* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between her Office and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity;

3. *Takes note* of the decision by the Office of the Prosecutor of the International Criminal Court, based upon the referral of the Democratic Republic of the Congo, to commence an investigation into crimes allegedly committed in the territory of the Democratic Republic of the Congo since the entry into force of the Rome Statute of the International Criminal Court[2] on 1 July 2002;

4. *Condemns* the continuing violations of human rights and international humanitarian law in the Democratic Republic of the Congo, while remaining concerned about the prevalence of grave violations and the rise in ethnic tensions throughout the Democratic Republic of the Congo and, in particular, in Ituri, North and South Kivu and other areas in the eastern part of the country;

5. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To respect and further implement the Global and All-Inclusive Agreement;

(b) To adhere fully to the Principles on Good-Neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda[3] signed in New York on 25 September 2003, to engage firmly for the full success of the joint verification mechanism agreed upon by the Presidents of the Democratic Republic of the Congo and Rwanda in Abuja on 25 June 2004,[4] and to take part constructively in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region of Africa;

(c) To cease immediately all military activity that impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo, including support for the armed groups allied to the parties to the conflict;

(d) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual reinforcement of state structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the Transitional Constitution;

(e) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and

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[2] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[3] See A/58/428-S/2003/983, annex.

[4] See S/2004/534, annex.

Welfare of the Child,[5] with the understanding that, under the Convention on the Rights of the Child[6] and the Optional Protocol thereto on the involvement of children in armed conflict,[7] persons under the age of 18 are entitled to special protection, and in accordance with Security Council resolution 1539 (2004) of 22 April 2004 on children and armed conflict, and to provide information without delay on measures taken to discontinue such practices;

(f) To take special measures to protect women and children from the appalling violence, including sexual violence, which has been and continues to be prevalent throughout the country, in particular in Ituri, North and South Kivu and other areas in the eastern part of the country, and condemns in particular the widespread use of sexual violence as a means of warfare;

(g) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security;

(h) To ensure the rights and well-being of internally displaced persons, returnees and refugee populations;

(i) To respect international humanitarian law, in particular the protection of civilians by ensuring the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) and 1296 (2000);

(j) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

6. *Calls upon* the Government of National Unity and Transition to take specific measures:

(a) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels, enabling the establishment of a democratic constitutional regime, and the formation of a restructured and integrated national army; and also the formation of an integrated and adequately resourced national police force;

(b) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, the Truth and Reconciliation Commission and the Human Rights Monitoring Centre, and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

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[5] *Human Rights: A Compilation of International Instruments*, vol. II: *Regional Instruments* (United Nations publication, Sales No. E.97.XIV.1), sect. C, No. 39.

[6] Resolution 44/25, annex.

[7] Resolution 54/263, annex I.

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo;

(d) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process and to carry out urgently a comprehensive reform of the judicial system;

(e) To put an end to the use of the death penalty in a manner contrary to its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights and other human rights instruments, while recalling its commitment to progressively abolish the death penalty and not to impose it on juvenile offenders;

(f) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda;

(g) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press;

(h) To continue its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

(i) To put an end to the illegal exploitation of the national resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of that conflict;

7. *Encourages* the international community to continue to support the transition in the Democratic Republic of the Congo and its institutions and, in particular, to provide assistance in the reform of national judicial institutions;

8. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo and requests the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixtieth session.